

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LEON BRIGHT,

Plaintiff,

v.

Case No: 8:20-cv-1131-T-36JSS

CITY OF TAMPA, J. LAMBERT,
CHRISTINA M. MITCHELL,
HILLSBOROUGH COUNTY, DAVID
KELSEY, HARTLINE
TRANSPORTATION
TRANSIT/REGIONAL AGENCY, JOHN
DOES, CHRISTINA BUCHANAN, JANE
DOE, OFFICER LEPOCHAT, JANE
CASTOR and BRIAN DUGAN,

Defendants.

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Julie S. Sneed on September 23, 2020 (Doc. 12). In the Report and Recommendation, Magistrate Judge Sneed recommends that: (1) Plaintiff's Motion for Leave to Proceed *in Forma Pauperis* (Dkt. 10) be denied without prejudice; (2) Plaintiff's Complaint (Dkt. 1) be dismissed without prejudice and with leave to file an amended complaint that complies with the Federal Rules of Civil Procedure within twenty (20) days of the date the Report and Recommendation becomes final; (3) Plaintiff's Motion to Invoke Services of the United States Marshal (Dkt. 11) be denied as moot. All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1).

On October 2, 2020, Plaintiff filed objections to the Magistrate Judge's Report and Recommendation and Motion for Clarification and Rehearing/Reconsideration and an Amended

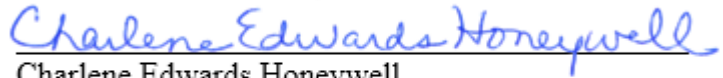
Complaint. *See* Docs. 13 and 14. The Court has undertaken a *de novo* review of the record in conjunction with the objections lodged by Plaintiff and finds them to be without merit. Upon consideration of the Report and Recommendation, Plaintiff's Objections thereto, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

ORDERED AND ADJUDGED:

- (1) Plaintiff's Objections to the Magistrate Judge's Report and Recommendation and Motion for Clarification and Rehearing/Reconsideration (Doc. 13) are OVERRULED and/or DENIED.
- (2) The Report and Recommendation of the Magistrate Judge (Doc. 12) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
- (3) Plaintiff's Complaint (Doc. 1) is DISMISSED without prejudice.
- (4) Plaintiff's Motion for Leave to Proceed *in Forma Pauperis* (Doc. 10) is DENIED, without prejudice.
- (5) Plaintiff's Motion to Invoke Services of the United States Marshal (Doc. 11) is DENIED, as moot.
- (6) Plaintiff is granted leave to file a Second Amended Complaint that complies with the Federal Rules of Civil Procedure within twenty (20) days of the date of this Order, if he so chooses. If Plaintiff does not file a Second Amended Complaint within twenty (20) days of the date of this Order, the Amended Complaint (Doc. 14) will be the operative complaint.

(7) Additionally, Plaintiff is granted twenty (20) days from the date of this Order within which to file an Amended Motion for Leave to Proceed *in Forma Pauperis* and an Amended Motion to Invoke Services of the United States Marshal.

DONE AND ORDERED at Tampa, Florida on November 6, 2020.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Julie S. Sneed
Counsel of Record